

COUNTY OF ERIE

PERSONNEL POLICES & PROCEDURES

SUBJECT: **WORKPLACE HARASSMENT**

DISTRIBUTION: ELECTED OFFICIALS, JUDGES, DEPARTMENT HEADS

FROM: PETER J. CALLAN, DIRECTOR OF PERSONNEL

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SEPTEMBER 22, 2003; NOVEMBER 13, 2003; FEBRUARY 24, 2014; MARCH 5, 2014

AUTHORITY

In accordance with Article VII, Section 1-C of the Home Rule Charter and Section 6 of the Personnel Code this policy and procedure is being instituted.

RESPONSIBILITY

It is the collective responsibility of Elected Officials, Judges, Department Head Supervisors, and employees to maintain a working environment that is void of all types of harassment.

HARASSMENT DEFINED and DESCRIBED

Harassment means persistent and unwelcome conduct or actions. Harassment on any basis *race, sex, age, disability* exists whenever:

- Submission to harassing conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.
- Submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual.
- The conduct interferes with an employees work or creates an intimidating, hostile or offensive work environment.

RECOGNIZING HARASSMENT

Harassment may be subtle, manipulative and not always evident. It does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome and is personally offensive.

- **Sexual Harassment:** Sexual Harassment is one type of harassment and includes unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature.
 - All forms of gender harassment are covered. Men can be sexually harassed; men can harass men; woman can harass other women. Offenders can be managers, supervisors, co-workers, and non-employees such as clients or vendors.

Some examples of harassment:

VERBAL: Jokes, insults, innuendoes, and degrading remarks.

NON VERBAL: Gestures, staring, touching, hugging, patting, blocking a person's movement, standing too close, degrading pictures, and racist or other derogatory cartoon/drawings.

POLICY NUMBER: 21

All employees have a right to work in an environment free from discrimination and harassing conduct, including sexual harassment. Harassment on the basis of an employee *race, color, creed, ancestry, national origin, age (40 and over), disability, sex, arrest or conviction record, marital status, sexual orientation, membership in the military reserve or use or nonuse of lawful products away from work is expressly prohibited under this policy.* This policy also expressly prohibits retaliation of any kind against any employee bringing a complaint or assisting in the investigation of a complaint. Such employees may not be adversely affected in any manner related to their employment.

REPORTING PROCEDURE

Any employee who believes he or she is being harassed, or any employee, who becomes aware of harassment, should promptly notify his or her supervisor. If the employee believes the supervisor is the harasser, the supervisor should be notified. If an employee is uncomfortable discussing harassment with his or her supervisor, the employee should contact the Personnel Department.

The informed supervisor or department head will immediately consult with the Director or Personnel. If informed directly, the Director of Personnel will consult with the cognizant supervisor or department head and together they will develop an action plan for resolving the situation.

DISCIPLINARY ACTION

Erie County views harassment and retaliation to be among the most serious breaches of workplace behavior. Consequently, individuals who engage in harassment activities will receive appropriate disciplinary action, up to and including discharge.

CONFIDENTIALITY

All information relating to any form of harassment will be considered confidential and only individuals who have a legitimate need to know are to be informed.